

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

WILLIAM ENGEL

Plaintiff,

v.

THIRD AVENUE MANAGEMENT COMPANY  
LLC, MARTIN J. WHITMAN, DAVID M.  
BARSE, VINCENT J. DUGAN, W. JAMES  
HALL, JOSEPH J. REARDON and MICHAEL  
BUONO,

Defendants,

THIRD AVENUE TRUST, a Delaware Business  
Trust,

Nominal Defendant.

Civil Action No.: 1:16-cv-01118

**NOTICE OF MOTION TO DISMISS OF DEFENDANT DAVID M. BARSE**

PLEASE TAKE NOTICE that, upon the accompanying Joinder and Memorandum of Law in Support of Motion to Dismiss of Defendant David M. Barse (the “Defendant”), and upon all prior proceedings had herein, Defendant, by his undersigned attorneys, will move before the Honorable Kevin Castel, United States District Judge, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, Courtroom 11D, at a date and time to be determined by the Court, for an order (a) dismissing the Amended Derivative Complaint with prejudice pursuant to Rules 12(b)(6) and 23.1 of the Federal Rules of Civil Procedure as against Defendant, and (b) granting Defendant such further and other relief as the Court may deem just and proper. Defendant respectfully requests that oral argument be heard on this motion.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits, answering memoranda of law, or other response shall be filed and served no later than July 11, 2016, and any reply memoranda of law and accompanying papers shall be filed and served no later than August 12, 2016, as provided by the Court's order filed in the above-captioned action on June 1, 2016.

Dated: June 17, 2016  
New York, New York

Respectfully submitted,

By: /s/ Scott A. Edelman

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